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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,475	04/20/1999	KEVIN GATESMAN	WMA-99-001	6166

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/294,475

Applicant(s)

GATESMAN, KEVIN

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As claim 17, line 9, "a router".

As claim 18, line 1, "said router".

As claim 21, lines 2, 3, 4, "said router".

As claim 23, lines 3, "said router".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined

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was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 9-11, 13-14, 17, 20, 23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoi (USP 6456625).

Regarding claims 1, 9 and 17, Itoi discloses (Fig 1-14 and col. 1-22) an apparatus for enabling more than one communicative process to be carried on at the same time via a subscriber line comprising a network interface means (Fig 3b, Ref 102) for connecting to a telecommunications network (WAN or internet); a telephone interface means (Fig 3b, Ref 310 couples to a telephone) for connecting to at least one telephone; a computer interface means (Fig 3b, Ref 312 couples to a data terminal) for connecting to at least one computer, a routing means communicatively connected to said network, telephone, computer interface means (Fig 3b, Ref 306-307) for managing the addressing of data between said network and said telephone and said computer; wherein said routing means assigns internal network addresses to said telephone and said computer, respectively, and selectively routes voice and data signals from said telephone and said computer, respectively, to and from said telecommunications network via said subscriber line and based on said assigned internal network addresses (Fig 3b, Ref 320 used to give the local IP addresses to data terminal 314 and telephone 311, See col. 8, lines 40-56).

Regarding claims 2, 13 and 23, Itoi discloses a gateway means (col. 9, lines 45-60 discloses a means for packetizing voice signal into a packet or depacketizing voice packet into voice signal) for packetizing voice signals received from said telephone interface and depacketizing voice signals from said routing means, packetized signals being routed by said

routing means for transmission to said telecommunications network and depacketized voice signals being routed to said telephone interface for establishing a telephone conversation between a caller using said telephone and an other caller connected to said telecommunications network via another telephone.

Regarding claims 3, 10, 14 and 20, Itoi discloses (Fig 1-14 and col. 1-22) routing means including an address conversion and translation means for translating the respective internal network addresses of the telephone and computer to correspond with an external network address of the subscriber line assigned to communicate with the telecommunication network and establishing respective connections between the external network address of the subscriber line and the internal addresses of the telephone and the computer so that both voice and data signals can be exchanged between the telephone and said computer connected to the said communication controller and devices communicatively connected to the telecommunications network (Fig 3b, Ref 307).

Regarding claims 11, 21 and 24, Itoi discloses a voice circuit communicatively connected to said telephone and said routing means for receiving and converting digital voice signal routed from the routing means into analog voice signal for telephone and converting and feeding analog voice signals input from the telephone into digital voice signals for the routing means (Fig 3b, Ref 309).

Regarding claims 25-26, Itoi discloses (Fig 1-14 and col. 1-22) a communication device (Fig 3b) configured to communicate with a communication network over a subscriber line comprising a plurality of interfaces respectively configured to communicate with a telephone, a computer and the communication network over the subscriber line (Fig 3b, Ref 310, 312 and 323

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for coupling to the telephone 311, the computer 314 and communication network 102) and logic configured to assign respective internal network address for the telephone and the computer (Fig 3b, Ref 320 for assigning the internal network addresses such IP addresses for telephone 311 and 314), translate between the respective internal network address and an external network address assigned to the subscriber line (Fig 3b, Ref 321) and route voice and data signals among the telephone and the computer and the communication network over the subscriber line and based on the assigned internet network addresses and the external network address assigned to the subscriber line (Fig 3b, Refs 306-307 for routing voice and data signals among the telephone 311 and the computer 314 which is based on the local IP address and an global IP address).

5. Claims 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella (USP 6353614).

Regarding claims 25-26, Borella discloses a communication device (Fig 1) configured to communicate with a communication network over a subscriber line comprising a plurality of interfaces respectively configured to communicate with a telephone, a computer and the communication network over the subscriber line (Fig 1, Ref 26 has two interfaces for coupling to the telephone 22, the computer 14 and communication network 36) and logic configured to assign respective internal network address for the telephone and the computer (Fig 1, router has a DHCP function for assigning the internal network addresses such IP addresses for telephone 22 "10.0.0.5" and the computer 14 "10.0.01"), translate between the respective internal network address and an external network address assigned to the subscriber line (col. 4, lines 25-37) and route voice and data signals among the telephone and the computer and the communication network over the subscriber line and based on the assigned internet network addresses and the

external network address assigned to the subscriber line (Fig 1, Ref 26 for routing voice and data signals among the telephone 22 and the computer 14 which is based on the internal IP address and an external IP address).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7, 12, 15, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (USP 6456625) in view of Tonnby (WO 9746073).

Regarding claims 6, 15 and 18, Itoi fails to fully disclose the claimed invention.

However, Tonnby discloses routing means for apportioning the bandwidth of the subscriber line for selectively routing the packet for computer and telephone (the voice packet and data packet is simultaneously multiplexed into the subscriber line, Fig 3, Ref 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of multiplexing the voice packet and data packet into a subscriber line as disclosed by Tonnby's system into Itoi's system. The motivation would have been to provide a fairness accessing the bandwidth for a telephone device and computer on the subscriber line.

Regarding claims 7, 12 and 22, Itoi discloses an analog to digital converter and a digital to analog converter for analog telephone interface. However, Tonnby discloses an analog

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telephone interface, which includes a ring generator, DTMF generator, and dial tone generator (Page 21, lines 24-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a ring generator, DTMF generator, and dial tone generator as disclosed by Tonnby's communication system into Itoi's communication system. Even without Tonny's teaching one of ordinary skill in the art would have recognized that the analog telephone interface of Itoi including a ring generator, DTMF generator, and dial tone generator in order to allow a user to initiate a telephone call.

8. Claims 4-5, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (USP 6456625) in view of Awadallah (USP 6449251).

Regarding claims 4-5, 16 and 19, Itoi fails to disclose the claimed invention. However, Awadallah disclose a method and apparatus for setting a priority to the voice and data packets wherein voice packet has a higher priority than the data packet (col. 1, lines 28-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an priority means for setting a priority of voice and data packet as disclosed by Awadallah's system into Itoi's telecommunication network. The motivation would have been to reduce the latency for transmitting the voice packets.

9. Claims 4-5, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (USP 6456625) in view of Gerszberg (USP 6452923).

Regarding claims 4-5, 16 and 19, Itoi fails to disclose the claimed invention. However, Awadallah disclose a method and apparatus for setting a priority to the voice and data packets wherein voice packet has a higher priority than the data packet (col. 20, lines 1-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an priority means for setting a priority of voice and data packet as disclosed by Gerszberg's system into Itoi's telecommunication network. The motivation would have been to reduce the latency for transmitting the voice packets.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (USP 6456625) in view of Tonnby (WO 9747127) and Szeliga (USP 6067353).

Regarding claim 8, Itoi fails to fully disclose the claimed invention. However, Tonnby discloses DTMF generator, ring generator, a visual indicator for message and an alert message for incoming call (Page 10, lines 9-22 and page 14, lines 25-34) and Szeliga discloses a visual call waiting indicator (Fig 3, Ref 28 and col. 4, lines 24-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a message visual indicator, DTMF generator and ring generator as disclosed by Tonnby's system into Itoi's system in order to provide a universal indicator to a subscriber and apply a visual call waiting indicator as disclosed by Szeliga into Itoi's system in order to provide an indicator to a deaf person.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoi (USP 6456625) in view of Tonnby (WO 9747127) and Yee (USP 5946384).

Regarding claim 8, Itoi fails to fully disclose the claimed invention. However, Tonnby discloses DTMF generator, ring generator, a visual indicator for message and an alert message for incoming call (Page 10, lines 9-22 and page 14, lines 25-34) and Yee discloses a visual call waiting indicator (col. 7, lines 46-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a message visual indicator, DTMF generator and ring generator as disclosed by Tonnby's system into Itoi's system in order to provide a universal indicator to a subscriber and apply a visual call waiting indicator as disclosed by Yee into Itoi's system in order to provide an indicator to a deaf person.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Srisuresh (USP 6058431) discloses a method for conversion or translating the internet address.

Mayes (USP 5793763) discloses a method for conversion or translating the internet address.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

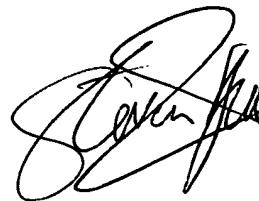
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

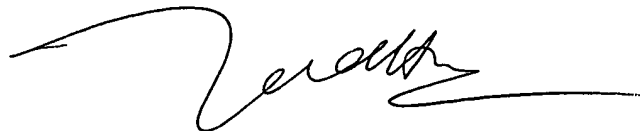
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen
Examiner
Art Unit 2665
December 12, 2002



HUY D. VU
SUPERVISORY PATENT EXAMINER
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